

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 1002.221, F.S.,
 4 relating to an exemption from public record
 5 requirements for K-12 education records; removing the
 6 scheduled repeal of the exemption under the Open
 7 Government Sunset Review Act; removing superfluous
 8 language; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 1002.221, Florida Statutes, is amended
 13 to read:

14 1002.221 K-12 education records; public record exemption.-

15 (1) Education records, as defined in the Family
 16 Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g,
 17 and the federal regulations issued pursuant thereto, are
 18 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 19 of the State Constitution.

20 (2) (a) An agency or institution, as defined in s.
 21 1002.22(1)(a), ~~or a public school, center, institution, or other~~
 22 ~~entity that is part of Florida's education system under s.~~
 23 ~~1000.04(1), (3), or (4),~~ may not release a student's education
 24 records without the written consent of the student or parent to
 25 any individual, agency, or organization, except in accordance
 26 with and as permitted by the FERPA.

27 (b) Education records released by an agency or
 28 institution, as defined in s. 1002.22(1)(a), ~~or by a public~~
 29 ~~school, center, institution, or other entity that is part of~~
 30 ~~Florida's education system under s. 1000.04(1), (3), or (4),~~ to
 31 the Auditor General or the Office of Program Policy Analysis and
 32 Government Accountability, which are necessary for such agencies
 33 to perform their official duties and responsibilities, must
 34 ~~shall~~ be used and maintained by the Auditor General and the
 35 Office of Program Policy Analysis and Government Accountability
 36 in accordance with the FERPA.

37 (c) ~~(b)~~ In accordance with FERPA and the federal
 38 regulations issued pursuant to FERPA, an agency or institution,
 39 as defined in s. 1002.22, ~~or a public school, center,~~
 40 ~~institution, or other entity that is part of Florida's education~~
 41 ~~system under s. 1000.04(1), (3), or (4)~~ may release a student's
 42 education records without written consent of the student or
 43 parent to parties to an interagency agreement among the
 44 Department of Juvenile Justice, the school, law enforcement
 45 authorities, and other signatory agencies. ~~The purpose of such~~
 46 ~~an agreement and information sharing is to reduce juvenile~~
 47 ~~crime, especially motor vehicle theft, by promoting cooperation~~
 48 ~~and collaboration and the sharing of appropriate information in~~
 49 ~~a joint effort to improve school safety, to reduce truancy and~~
 50 ~~in-school and out-of-school suspensions, and to support~~
 51 ~~alternatives to in-school and out-of-school suspensions and~~
 52 ~~expulsions, which provide structured and well-supervised~~

PCB GVOPS 14-07

ORIGINAL

2014

53 ~~educational programs supplemented by a coordinated overlay of~~
54 ~~other appropriate services designed to correct behaviors that~~
55 ~~lead to truancy, suspensions, and expulsions and that support~~
56 ~~students in successfully completing their education.~~ Information
57 provided in furtherance of an interagency agreement is intended
58 solely for use in determining the appropriate programs and
59 services for each juvenile or the juvenile's family, or for
60 coordinating the delivery of the programs and services, and as
61 such is inadmissible in any court proceeding before a
62 dispositional hearing unless written consent is provided by a
63 parent or other responsible adult on behalf of the juvenile.

64 ~~(3) This section is subject to the Open Government Sunset~~
65 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
66 ~~on October 2, 2014, unless reviewed and saved from repeal~~
67 ~~through reenactment by the Legislature.~~

68 Section 2. This act shall take effect October 1, 2014.